

REMARKS

In response to the final office action mailed May 16, 2008, the advisory action mailed June 16, 2008, and the advisory action mailed July 29, 2008, Applicants amended claims 1, 6, and 9, cancelled claims 12, 44, and 45, and added new claims 50-53. Claims 1, 3, 5-9, 14-31, 33, 34, 38-40, 43, and 47-53 are presented for examination.

Initially, Applicants would like to thank the Examiner for the telephone interview with their counsel conducted on September 16, 2008. During the interview, the patentability of independent claims 1, 6, and 9 over Sariciftci et al., U.S. Patent 5,454,880 ("Sariciftci") and Yu et al., U.S. Patent 6,483,099 ("Yu") was discussed. Specifically, it was agreed that neither Sariciftci nor Yu discloses or renders obvious a photovoltaic cell in which the electrode between a substrate and a photovoltaically active layer (i.e., the first electrode recited in claim 1) is a negative electrode (e.g., having a relatively low work function) and the other electrode of the photovoltaic cell (i.e., the second electrode recited in claim 1) is a positive electrode (e.g., having a relatively high work function). The Examiner graciously indicated that he would consider passing this application for allowance if Applicants are willing to amend the claims to reflect the above distinctions. Applicants have amended claims 1, 6, and 9 accordingly.

Further, during the interview, Applicants noted that Sariciftci states that "this upper contact desirably is either transparent or covers only a fraction of the area of the device which is exposed to the sunlight." Applicants pointed out that a photovoltaic cell having an opaque electrode containing an organic material that covers the entire area of a photovoltaically active polymer would be patentable over Sariciftci, as well as Yu. The Examiner agreed with Applicants and indicated he would consider allowing a claim directed to such a photovoltaic cell. Applicants therefore added new claims 50-53 directed to such a photovoltaic cell.

In the final office action, claims 1, 3, 5-9, 12, 14-31, 33, 34, 38-40 and 43-45, and 47-49 were rejected in the final office action under 35 U.S.C. §103(a) as obvious over the combination of Sariciftci and Yu, or further in view of Kataoka et al., U.S. Patent 5,389,159 ("Kataoka") and Lamotte et al., U.S. Patent 6,746,751 ("Lamotte"). Applicants believes that the claims as amended obviate these rejections.

This reply is being filed concurrently with a Request for Continued Examination (RCE). The RCE fee in the amount of \$810 pursuant to 37 CFR §1.17(e) and one-month extension of

Applicant : Christoph Brabec et al.
Serial No. : 10/536,568
Filed : October 24, 2005
Page : 9 of 9

Attorney's Docket No.: 21928-0018US1 / SA-17 US

time fee in the amount of \$120 pursuant to 37 CFR §1.17(a) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges to deposit account 06-1050, referencing Attorney's Docket No. 21928-018US1.

Respectfully submitted,

Date: September 16, 2008

/Tony Zhang/

Tony Zhang, Ph.D.
Reg. No. L0256

Fish & Richardson P.C.
Citigroup Center - 52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (877) 769-7945

30448641.doc